

## **REMARKS**

The enclosed is responsive to the Examiner's Office Action mailed on October 13, 2006. At the time the Examiner mailed the Office Action claims 1, 2, 4-10 and 23-30 were pending. By way of the present response the Applicants have: 1) amended claim 29; 2) added no new claims; and 3) canceled no claims. As such, claims 1, 2, 4-10 and 23-30 are now pending. Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

### **Claim Rejections**

#### **35 U.S.C. 102(e) Rejections**

The Examiner rejected claims 29 and 30 under 35 U.S.C. 102(e) as being anticipated by Enger, et al. U.S. Publication No. 2005/0020325 (hereinafter "Enger"). In reference to independent claim 29, Applicants respectfully submit that Enger does not teach all of the elements of the claim. More specifically, Enger does not teach (1) a first plurality of control elements being visible to a user when a device is in a first orientation, when the device is in a second orientation, and when the device is in a third orientation; (2) a second plurality of control elements being hidden from the user when the device is in the first orientation and when the device is in the third orientation; and (3) a third plurality of control elements being hidden from the user when the device is in the first orientation and when the device is in the second orientation.

First, Applicants respectfully submit that Enger does not teach or suggest the first plurality of control elements being visible to the user when the device is in the first orientation, when the device is in the second orientation, and when the device is in the third orientation. The present action equates the first plurality of control elements to hardware/software that causes “repositioning of inputs, displays, and/or software of the device.” Present action, page 3, first bullet. Enger does not describe “control elements” to cause “repositioning of inputs, displays, and/or software of the device” being visible to a user of the device. In fact, the hardware/software to control such would be located within the device and therefore not visible to a user. Therefore, Enger does not teach or suggest the first plurality of control elements being visible to the user when the device is in the first orientation, when the device is in the second orientation, and when the device is in the third orientation.

Second, Applicants respectfully submit that Enger does not teach or suggest the second plurality of control elements being hidden from the user when the device is in the first orientation and when the device is in the third orientation. The present action states that Enger describes three orientations for a device: “portrait, landscape, and closed configurations.” Present action, page 3, first bullet. The present action equates a second orientation being the portrait orientation for “phone mode” which converts the keypad to a numeric keypad. *Id.* at page 3, second bullet. Therefore, the present action equates the numeric keypad (i.e., the buttons that make the keypad, inputs 106 of Figure 1) to the second plurality of control elements. Since the portrait orientation is the second orientation, then the closed and landscape orientation must be the first

and third orientation of the device. Thus, the buttons of the numeric keypad must be hidden from the user when the device is in the closed and the landscape orientation. As illustrated in Figure 2 and described in paragraph 0024 of Enger, the buttons of the numeric keypad (inputs 106) are still visible to the user when the device is in the landscape orientation. The buttons may change input function (e.g., button '0' in Figure 1 is button 'F' in Figure 2), but the button is still visible to the user. Therefore, the buttons are not hidden from the user in at least two orientations. Hence, Enger does not teach or suggest the second plurality of control elements being hidden from the user when the device is in the first orientation and when the device is in the third orientation.

Finally, Applicants respectfully submit that Enger does not teach or suggest the third plurality of control elements being hidden from the user when the device is in the first orientation and when the device is in the second orientation. The present action equates the landscape orientation to the third orientation and the third plurality of control elements to inputs 106 of a QWERTY keyboard. See the Present Action, page 3, third bullet. As previously stated, the inputs 106 are visible to the user in the portrait orientation (second orientation) and the landscape orientation (third orientation) of the device. See Figures 1 and 2 of Enger. Therefore, the third plurality of control elements is not hidden from the user when the device is in the second orientation (inputs 106 of Figure 1). Hence, Enger does not teach or suggest the third plurality of control elements being hidden from the user when the device is in the first orientation and when the device is in the second orientation.

Since Enger does not teach or suggest all of the features of claim 29, Applicants respectfully submit that claim 29 is in condition for allowance. Since claim 30 depends from independent claim 29 and includes additional features, Applicants respectfully submit that claim 30 is also in condition for allowance.

35 U.S.C. 103(a) Rejections

Claims 1, 2, and 4-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen, U.S. Patent 5,797,089 (hereinafter "Nguyen") in view of Saarinen, U.S. Patent 6,882,335 (hereinafter "Saarinen").

In reference to claim 1, Applicants respectfully submit that Nguyen in view of Saarinen does not teach or suggest all of the features of the claims. The present action states that Nguyen describes a plurality of control elements to perform a first plurality of defined functions when the data processing device is in the first operational mode and to perform a second plurality of defined functions when the data processing device is in the second operational mode. See the present action, page 4, first bullet. The present action cites column 3, line 37, through column 4, line 22, of Nguyen as describing the plurality of control elements performing a first plurality and a second plurality of defined functions ("provision for telephone functions in the telephone mode and PDA functions in the PDA mode"). Present action, page 4, first bullet.

Applicants respectfully disagree with the present action's interpretation of Nguyen. From column 3, line 37, to column 4, line 22, Nguyen describes Figure 1 ("telephone mode") and Figure 2 ("PDA mode"). The plurality of control elements in Figure 1 ("telephone mode") is the keypad 12. The keypad 12 is not

useful during “PDA mode” and is not illustrated in Figure 2. Keypad 12 is not described by Nguyen when describing the “PDA mode” (Figure 2). The keypad 12 does perform a first plurality of defined functions when the device is in the first operational mode (“telephone mode”). The keypad 12, though, does not perform a second plurality of defined functions when the device is in the second operational mode (“PDA mode”). If the plurality of control elements is defined as keypad 24 in Figure 3 (“PDA mode”), Nguyen does not describe keypad 24 when describing the device in “telephone mode” (Figure 1). Furthermore, keypad 24 is not illustrated in Figure 1. Hence, the keypad 24 does not perform a plurality of defined functions when the device is in a “telephone mode.”

As a result, no “control elements” of Nguyen perform both a first plurality of defined functions when the data processing device is in the first operational mode and to perform a second plurality of defined functions when the data processing device is in the second operational mode. Applicants respectfully submit that Nguyen does not describe that feature of claim 1.

Applicants further submit that Saarinen does not describe a plurality of control elements to perform a first plurality of defined functions when the data processing device is in the first operational mode and to perform a second plurality of defined functions when the data processing device is in the second operational mode. Saarinen describes the orientation of images on a display according to the orientation of the display, but Saarinen does not describe anything that may be construed as control elements except for the buttons of a wireless PDA. See Column 10, lines 34-36 and 51-54, and Figures 6A and 6B. Saarinen does not describe the buttons performing a first plurality of defined

functions when the data processing device is in the first operational mode and a second plurality of defined functions when the data processing device is in the second operational mode.

Since Nguyen in view of Saarinen does not teach all of the features of claim 1, Applicants respectfully submit that claim 1 is in condition for allowance. Since claims 2 and 4-10 depend from independent claim 1 and include additional features, Applicants respectfully submit that claims 2 and 4-10 are also in condition for allowance.

Claims 23-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Claxton, U.S. Patent No. 6,434,371 (hereinafter "Claxton"), in view of Saarinen. In reference to independent claim 23, Applicants respectfully submit that Claxton in view of Saarinen does not teach or suggest all of the features of the claim. More specifically, Claxton in view of Saarinen does not teach or suggest (1) a first group of control elements to perform a first plurality of defined functions within a first physical orientation and a second plurality of defined functions within a second physical orientation and (2) a motion sensor to detect the orientation of the data processing device.

First, the present action states that Claxton fails to teach "a first group of control elements to perform a first plurality of defined functions within a first physical orientation and to perform a second plurality of defined functions within a second physical orientation." Present action, page 7, lines 11-13. Applicants agree that Claxton does not teach that feature of claim 23.

The present action further states that Saarinen describes “that depending on the device’s orientation, particular speakers provide stereo-sound production in one orientation and provide user feedback or ring tones in another orientation.” *Id.* at lines 13-15. Applicants respectfully submit that a speaker is not a control element. The speaker outputs sounds, but the speaker does not allow input for control. Therefore, Saarinen does not describe a group of control elements to perform a first plurality of defined functions within a first physical orientation and a second plurality of defined functions within a second physical orientation. Thus, Claxton in view of Saarinen does not teach or suggest a group of control elements to perform a first plurality of defined functions within a first physical orientation and a second plurality of defined functions within a second physical orientation.

Second, neither Claxton nor Saarinen describe a motion sensor. The present action refers to Claxton at the Abstract, column 2 lines 8-50, column 3 lines 30-47, and column 4 lines 64 through column 5 line 61 as describing a sensor. Applicants respectfully submit that Claxton describes a contact sensor for determining the position of a flip cover, not a motion sensor to determine the motion of a device. For example, the Abstract of Claxton states, “Multiple contacts are located on the sides of the inner surface of the flip cover and a single contact is located on each side of the body of the communications device. ...As the flip cover rotates from a closure position to its final position as a stand, the mode of operation of the communications device changes as the contact from the body of the communications device connects with one of the contacts on the flip cover.” (emphasis added). Lines 2-12.

In another example, Claxton further states, "the flip cover and hinge operate as a rotary switch to select the mode of operation of the communications device. Multiple contacts are located on the sides of the inner surface of the flip cover and a single contact is located on each side of the body of the communications device. Each contact located on the sides of the inner surface of the flip cover represents a different mode of operation for the communications device. As the flip cover rotates from the closed position to its final position as a stand, the mode of operation of the communications device changes as the contact from the body of the communications device connects with one of the contacts on the flip cover." (emphasis added). Column 2, lines 19-30.

In yet another example, Claxton states, "The third embodiment of the present invention is a detection circuit that detects the open and closed state of the flip cover. ...When the flip cover is in the closed position, the circuit detects a unique resistive value through a set of contacts. ...When the flip cover is in the open position, the contacts are broken, thus, disabling the detection of the unique resistive value." (emphasis added). Column 2, lines 34-43.

In a further example, Claxton states, "A first embodiment of the present invention implements a switch that is controlled by the opening and closing of the flip cover to establish the modes of operation of the combination flip telephone and PDA." (emphasis added). Column 3, lines 38-41.

In another example, Claxton states, "In the preferred embodiment, three contacts are positioned on each side of interior surface 208 of flip cover 112. The three modes of operation represented by the three contacts 402, 404, and 406 are KEYPAD mode, SMARTPHONE mode, and SPEAKERPHONE mode,

respectively. One skilled in the relevant art(s) will recognize that the multiple contacts could be placed on body 102 of communications device 100 and a single contact could be placed on each side of the inside of flip cover 112 without departing from the scope of the present invention." (emphasis added). Column 5, lines 22-31. Therefore, Claxton in view of Saarinen does not describe a motion sensor to detect the orientation of the data processing device.

Since Claxton in view of Saarinen does not teach or suggest all of the features of claim 23, Applicants respectfully submit that claim 23 is in condition for allowance. Since claims 24-28 depend from independent claim 23 and include additional features, Applicants respectfully submit that claims 24-28 are also in condition for allowance.

In light of the comments above, Applicants respectfully request the allowance of all claims.

**CONCLUSION**

Applicants respectfully submit that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, Examiner is invited to contact Thomas C. Webster at (408) 720-8300.

Respectfully Submitted,  
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